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REGULATORY AUTH.

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January 17, 2002

EXECUTIVE SECRETARY

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VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Docket to Determine the Compliance of BellSouth
Telecommunications, Inc.'s Operations Support Systems with State
and Federal Regulations*
Docket No. 01-00362

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Response to Proposed Revisions to Phase II Issues List of AT&T and SECCA. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch
Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Docket to Determine the Compliance of BellSouth Telecommunications, Inc.'s Operations Support Systems with State and Federal Regulations*

Docket No. 01-00362

**BELLSOUTH'S RESPONSE TO PROPOSED REVISIONS TO PHASE II
ISSUES LIST OF AT&T AND SECCA**

BellSouth Telecommunications, Inc. ("BellSouth") hereby responds to the Proposed Revisions to Phase II Issues List of AT&T and SECCA and states as follows:

As set forth in its initial pleading, BellSouth contends that its proposed Revised Issues more accurately reflect the intended scope of Phase II of this proceeding, based both on FCC jurisprudence and the Phase I evidence. Consequently, BellSouth respectfully requests that the Authority adopt its revised issues in lieu of the issues previously adopted by the Authority.¹ The only grounds cited by AT&T in opposition to BellSouth's proposed Revised Issues is that revising the issues would somehow "impact the integrity of the case." (AT&T Filing, at 2). As AT&T itself admitted, however, "Phase II issues should be clarified more accurately to reflect the Authority's intent." BellSouth's revised issues do exactly that – each issue has been revised to reflect the legal standard accurately and to

¹ For ease of reference, BellSouth has attached its proposed Revised Issues hereto as Exhibit A.

ensure that the evidence is presented to the Authority in a meaningful, complete and efficient manner.² There is nothing in BellSouth's Revised Issues that impact the status of this proceeding. To the contrary, BellSouth's Revised Issues simply seek to make the proceeding more meaningful and clear.

Should the Authority decline to adopt BellSouth's proposed issues, BellSouth's comments on each of AT&T's proposed revisions to the current issues are as follows:

Issue 1: BellSouth does not object to the inclusion of the word "reliable" in the issue. However, if the question of data reliability is heard in this proceeding, it should not be heard again in the Section 271 docket. BellSouth has no position on whether the issue of data reliability is heard in this docket or in the Section 271 docket, but the issue cannot be heard twice.

In addition, BellSouth does not object to the inclusion of the word "Tennessee."

To be clear, BellSouth contends the Authority should not use either the Authority's Issue 1, or AT&T's revised Issue 1; rather, the Authority should adopt BellSouth's proposed Revised Issues 1, 2, 4 and 6.

Issue 2: BellSouth does not object to the inclusion of the word "reliable" in the issue. However, if the question of data reliability is heard in this proceeding, it should not be heard again in the Section 271 docket. BellSouth has no position on

² As explained in BellSouth's initial filing, BellSouth simply has clarified the issues to ensure that the Authority has evidence on all four prongs of the evidentiary test that is required – commercial usage, carrier-to-carrier testing; third party testing; and internal performance data.

whether the issue of data reliability is heard in this docket or in the Section 271 docket, but the issue cannot be heard twice.

BellSouth does not object to the inclusion of the word "Tennessee," so long as the following is added (addition in all caps and bold):

For those processes, systems or procedures identified by the Authority as the same as those used to support BellSouth's Georgia or Florida wholesale operations, does measurable ***and reliable*** commercial usage data, such as performance data ordered by the Authority, exist in sufficient volumes **IN STATES OTHER THAN TENNESSEE** that will allow the Authority to determine if the process, system or procedure ***in Tennessee*** is being provided in a nondiscriminatory manner?

To be clear, BellSouth contends the Authority should not use either the Authority's Issue 2, or AT&T's revised Issue 2; rather, the Authority should adopt BellSouth's proposed Revised Issue 2, 4 and 6.

Issue 3: BellSouth does not object to AT&T's revisions.

To be clear, BellSouth contends the Authority should not use either the Authority's Issue 3, or AT&T's revised Issue 3; rather, the Authority should adopt BellSouth's proposed Revised Issue 5.

Issue 6: BellSouth does not object to AT&T's revisions.

To be clear, BellSouth contends the Authority should not use either the Authority's Issue 6, or AT&T's revised Issue 6; rather, the Authority should adopt BellSouth's proposed Revised Issue 7.

Issue 9: BellSouth does not object to AT&T's revisions to the Authority's proposed new issue. However, as with the issue of data reliability, if these

questions are heard in this proceeding, they cannot be heard in the Section 271 proceeding. BellSouth has no position on whether these data issues should be heard in this docket or in the Section 271 docket, but the issues cannot be heard twice. In other words, if the Authority hears evidence on the question of whether or not it should adopt BellSouth's Monthly State Summary for purposes of assessing BellSouth's compliance with the competitive checklist in this proceeding, that issue should not be heard again in the Section 271 docket.

Finally, as BellSouth stated in its Initial Filing, the Authority needs to decide which docket it deems appropriate to hear the evidence on BellSouth's compliance with Checklist Item 2. Presently, this issue is not in either this docket, nor in the Section 271 docket. BellSouth has no position on which docket the evidence should be presented, but does argue strongly that the issue needs to be considered in one docket or the other.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

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1. For those processes, systems or procedures for which Tennessee specific data exists, does commercial usage exist in sufficient volumes to allow the Authority to determine if access to the processes, systems or procedures is being provided in a non-discriminatory manner.
2. For those processes, systems or procedures for which data is only collected on a region-wide basis, does region-wide commercial usage exist in sufficient volumes to allow the Authority to determine if access to the processes, systems or procedures is being provided in a non-discriminatory manner?
3. For those processes, systems or procedures for which sufficient Tennessee specific data does not exist, but where the Authority has found that the processes, systems or procedures are regional in nature, does commercial usage exist in sufficient volumes in another BellSouth state to allow the Authority to determine that access to the processes, systems or procedures is being provided in a non-discriminatory manner.
4. For those processes, systems or procedures for which there is not sufficient commercial volumes in any BellSouth state, is there carrier-to-carrier testing upon which the Authority can rely in assessing the commercial readiness of BellSouth's OSS and whether BellSouth is providing access to OSS functions in a non-discriminatory manner.
5. For those processes, systems or procedures for which there is neither sufficient commercial volumes nor carrier-to-carrier testing, can the Authority rely on the results of third party testing in assessing the commercial readiness of BellSouth's OSS and whether BellSouth is providing access to OSS functions in a non-discriminatory manner.
6. For those processes, systems or procedures for which there is not sufficient commercial usage, carrier-to-carrier testing or third-party testing, can the Authority rely on the results of BellSouth internal testing in assessing the commercial readiness of BellSouth's OSS and whether BellSouth is providing access to OSS functions in a non-discriminatory manner.
7. Identify the processes, systems or procedures that should be included in a Master Test Plan for Tennessee designed to evaluate non-discriminatory access to OSS for both residential and business service as contemplated under 47 USC § 271 (c)(1)(A) of the Telecommunications Act of 1996, Tenn. Code Ann. §65-4-123 and other applicable state and federal statutes, that were not included in the Georgia or Florida Master Test Plan.
8. Based on evidence of commercial usage, carrier-to-carrier testing, or third-party testing, as appropriate, is BellSouth providing non-discriminatory access to OSS functions sufficient to satisfy Check List Item ii of the Telecommunications Act of 1996.

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2002, a copy of the foregoing document was served on counsel for known parties, via the method indicated, addressed as follows:

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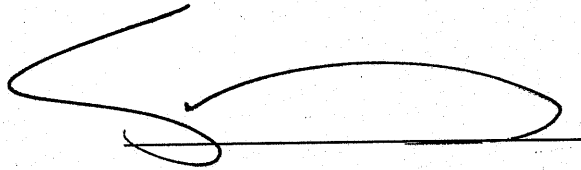
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A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line.